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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,593	12/08/2003	Gregg Baeckler	015114-066700US	3875
26/59 7590 09/23/2008 TOWNSEND AND TOWNSEND AND CREW LLP/ 015114 TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
LO, SUZANNE				
ART UNIT		PAPER NUMBER		
2128				
MAIL DATE		DELIVERY MODE		
09/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/731,593

**Applicant(s)**

BAECKLER, GREGG

**Examiner**

SUZANNE LO

**Art Unit**

2128

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 04 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Kamini S Shah/  
Supervisory Patent Examiner, Art Unit 2128

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments are unpersuasive. In response to Applicant's argument that as a netlist is software and not hardware and therefore fixed-configuration secondary hardware is not disclosed, the Applicant is directed to column 7, lines 52-67 of Leaver as the netlist is implemented on a programmable hardware device, which includes fixed-configuration secondary hardware - the I/O ports and pins which are mapped between the programmable elements and the fixed-configuration hardware by the netlist.

In response to Applicant's argument that Leaver and Cong do not teach the fixed-configuration secondary hardware having a plurality of inputs, the anchors of Leaver are inputs/outputs and therefore input/output pins. Furthermore, as there are multiple anchors, there are multiple input pins - See Figure 4c of Leaver. While there may not be multiple hardware components with a plurality of inputs, Leaver discloses fixed-configuration secondary hardware, or the input ports in their entirety having a plurality of inputs.

In response to Applicant's argument that the prior art references does not teach or suggest the inputs common to at least two of the programmable logic elements, the Applicant is directed to Leaver, Figure 4C with shared anchors which may be common input ports.

In response to Applicant's argument that Leaver does not teach determining one or more sets of input assignments, the Examiner notes that Leaver need not disclose rearranging or re-assigning inputs to different anchors as it is sufficient that Leaver discloses determining one set of input assignments versus multiple sets of input assignments.

In response to Applicant's argument that Leaver does not teach ranking input assignments by determining a number of times each of a plurality of signals is assigned as a respective input, the Examiner respectfully directs the Applicant to Cong, page 33, Section 3.3.5 (see pages 3 and 9 of the Final Office Action).

In response to Applicant's argument that Cong does not disclose ranking input assignments and selecting the highest ranked input assignment, Cong teaches ranking cuts wherein the better ranking cuts represent lesser nodes and a greater number of shared nodes, the the input assignment associated with the greatest number of shared nodes is associated with the highest ranking (See Cong, page 31, Section 3.2.2).